

REMARKS

This Amendment is in response to the Office Action dated February 24, 2005. Claims 33-40 were pending in this application. Previously, claims 39 and 40 were withdrawn from consideration in view of an earlier restriction requirement. By this Amendment, claims 33-38 have been canceled without prejudice to obviate the wording problems which have lead to the objections under 37 CFR 1.75 (c) and 35 U.S.C. § 112, second paragraph and to present the claims in a clearer, more succinct form. Accordingly, new claims 41- 52 are being submitted for consideration. Favorable reconsideration of all the pending claims is respectfully requested.

In the Office Action, the Examiner rejected claims 34 and 37 under 37 CFR 1.75 (c) for failing to further limit the subject matter of a previous claim. The Examiner also rejected claims 37-37 under 35 U.S.C. § 112, second paragraph as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As stated above, Applicants have canceled original claims 33-38 to allow the presently claimed invention to be presented in new claims which are easier to understand.

The Examiner rejected claims 33-38 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 4,171,943 to Tschanz (the "Tschanz patent"). Although claims 33-38 have been canceled without prejudice, Applicants believe that the prior art cited against these claims should be addressed as these comments are also relevant to the newly presented claims. Applicants strongly disagree with the Examiner's position concerning the disclosure of the Tschanz patent. First, Applicants respectfully point out to the Examiner that element 40, which the Examiner has indicated as constituting part of the male mandrel element, is not part of a mandrel at all, but rather, the bulb portion (40) which forms part of the catheter being formed by the apparatus disclosed in the Tschanz patent. Moreover, the apparatus disclosed in the Tschanz patent is not directed to apparatus for bending, deforming or cold working a piece of material, as now recited in Applicants' present claims, but rather, simply a mold which heats up plastic material to form part of a catheter. In this regard, the apparatus shown in the Tschanz patent is

completely different from the presently claimed system which pre-forms the expandable material into a cage that can be used for an embolic filter. Also, the Tschanz patent is directed to an apparatus for molding a catheter using molten plastic and not for bending and forming a tubing or expandable material into the shape of a cage for a filtering device. Accordingly, Applicants believe that the Tschanz patent simply fails to disclose the presently claimed invention.

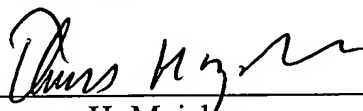
Applicants hereby resubmit a new IDS which includes the foreign references which were not provided the Examiner.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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